

17-24
Winyall '777
Anticipated by Winyall '777 patent. The Winyall patent relates to a silica gel which is formed from a colloidal solution (i.e., the substance of Winyall is a product of a colloid) Claims 3-7 and 17-24 specifically specify a colloidal state. A colloid is a substance made up of tiny, non-diffusible particles that remain suspended in a different medium. The particles remain suspended because of their net negative charge. A gel has precipitated, lost its charge and will not remain suspended. The particles are different as taught by Winyall and the method of generation is entirely different.

In paragraph 5 of the action, the Examiner rejected claims 8-16 as containing subject matter which is not described in the specification to clearly enable one to make and/or use the invention. The Examiner took the position that the specification failed to disclose which variable or variables of the process for generating an inorganic polymer electret are effective for producing a Zeta Potential between about 33 and 50mV or more narrow ranges therein. He indicated that it would require more than routine experimentation on the part of one of ordinary skill in the art to determine said variable or variables and then to optimize them.

However, under the "Detailed Description of the Invention," it is revealed that high velocity prolonged flow through the counter current device of the invention would generate the colloid of the invention because the counter current charge effect which generates multiple bi-directional magnetic fields which generate an electrostatic charge of the adjacent moving charged colloidal particles. One skilled in the art with an understanding of colloidal chemistry would understand that increased velocity and longer times would increase the Zeta potential, and this potential is easily monitored with zeta potentiometer, which is an instrument well known by one skilled in the art. The specification reveals the flexibility of the process such that one skilled in the art can manipulate the particle zeta potential by varying velocity, time and booster magnetic fields.

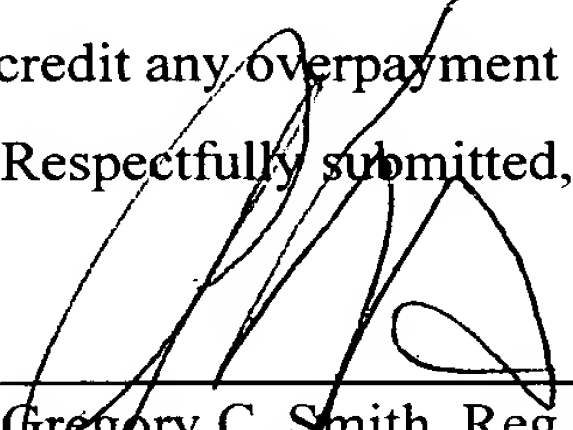
Applicant would therefore assert that the rejection of the claims under 35U.S.C. 112 should be withdrawn, and would request re-examination of the application, a notice of allowance be issued.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this response timely. .

Please charge any fees due or credit any overpayment to Deposit Account No. 50-0694.

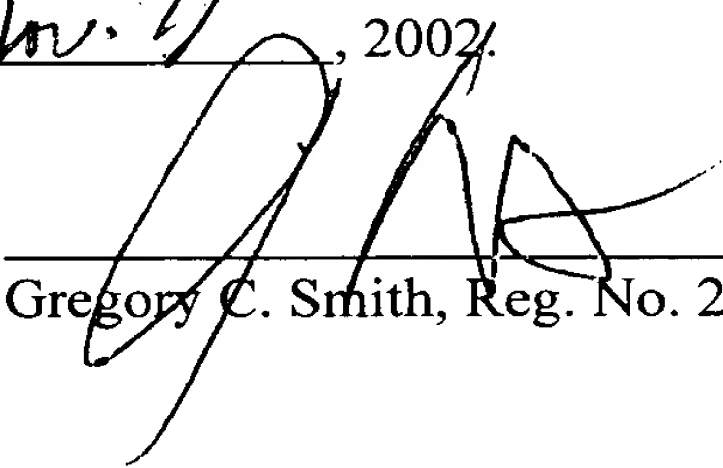
Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on Nov. 17, 2002.



Gregory C. Smith, Reg. No. 29,441